

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD DAVIS,

ORDER

Petitioner,

08-cv-584-slc

v.

ROCK COUNTY SHERIFF ROBERT SPODEN,
CHIEF DEPUTY BARBRA TILLMAN, C.O.
SCHILT, SGT. BEYER, SGT. BURDICK, SGT.
LALOR, SGT. SPRECHER, LT. RUSS STEEBER,
SGT. MUGHANI, C.O. CRAIG WEBERG, C.O.
MICHAEL SCHAUER, C.O. KRAHN, C.O.
SIMON, C.O. TAPP, C.O. TECHMEIER, R.N.
THAD, C.O. CLEASBY, C.O. VANDENBUREN,
RECORDS OFFICE MS. J and KLUSMEYER,

Respondents.

In an October 10, 2008 order, this court gave petitioner Donald Davis until October 30, 2008, in which to submit a trust fund account statement for the period beginning approximately March 28, 2008 and ending approximately September 29, 2008, so that the court can calculate an initial partial payment of the \$350 filing fee for his recently filed complaint. Petitioner has not submitted a trust fund account statement but instead filed a motion asking this court to order the Rock County Jail to provide him copies of his statement. He states that he has requested a copy of his statement but has not received it from the jail.

I first note that the court's October 10, 2008 order should serve as adequate notice to jail officials that they must provide petitioner with copies of his statement. If petitioner has not

yet allowed jail officials to see the order, he should make it available to them promptly. The requirement that petitioner supply this court with a six-month trust fund account statement is statutory, 28 U.S.C. § 1915(a)(2), and is not a matter that jail officials may ignore.

Because petitioner does not provide any written proof indicating he has shown jail officials this court's October 10, 2008 order or that the jail has refused his request for a statement, his motion is denied. If, even after petitioner repeats his request to jail officials and makes the court's October 10, 2008 order available to them, the request is denied, petitioner may renew his motion for court intervention. Such a renewed motion should be accompanied by written proof that the jail has refused his request for a statement. In the meantime, because petitioner's previous deadline for filing this statement has now passed, I will extend petitioner's deadline for submitting his statement until November 14, 2008.

ORDER

IT IS ORDERED that petitioner's motion for this court to order the Rock County Jail to provide him copies of his statement is DENIED. Petitioner may have until November 14, 2008, in which to submit a trust fund account statement for the period beginning approximately March 28, 2008 and ending approximately September 29, 2008. If petitioner fails to respond to this order by November 14, 2008, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without

prejudice to petitioner filing his case at a later date.

Entered this 31st day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge